

JUL 29 1985

Thompson
Duane Marine

RAVIN, SARASOHN, COOK, BAUMGARTEN & FISCH

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July 26, 1985

*N. J. AND NEW YORK BARS
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***N. J., N. Y. AND MASS. BARS

Margaret Thompson, Esq.
Office of Regional Counsel
Room 437
U. S. Environmental Protection Agency
26 Federal Plaza
New York, New York 10278

Re: Duane Marine Salvage Corp.
Administrative Order,
Index No. II-CERCLA-50107.

Dear Ms. Thompson:

Although we understand from our telephone conversation of July 2, 1985, that the United States Environmental Protection Agency has denied the request of G & W Laboratories, Inc. for removal from the Administrative Orders filed in the above-captioned matter, we still would urge that the E.P.A. revise the quantities of hazardous waste attributed to G & W Laboratories, Inc. in this matter.

As you will recall, the E.P.A. is relying, in connection with this matter, on a certain Special Waste Manifest No. A48137 which indicates that there were ten (10) containers of category 10 in a total amount of 550 gallons and twenty-four (24) containers of category 18 for a total of 1,265 gallons. A copy of the Manifest is annexed hereto as Exhibit "A". Initially, in the category number 10, it is obvious from an examination of the Manifest that the number of containers and the gallonage has been altered by someone. There are no initials opposite to the changes indicating that the changes were approved by any authorized person. In the Affidavit of Burton G. Greenblatt, submitted previously and annexed hereto as Exhibit "B", he states in paragraph 6 that G & W Laboratories, Inc. disposes at most of approximately two 55-gallon drums of waste per year and not the amounts which appear on the Manifest annexed hereto as Exhibit "A". As stated by Mr. Greenblatt, in the last twelve-month period, the Quality Control Laboratory generated less than two

Margaret Thompson, Esq.
July 26, 1985
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drums containing 55 gallons per drum of waste from the output of five (5) chemists working for G & W at a time when the sales volume is approximately two times the sales volume in 1978, the date on the Manifest when the Quality Control Laboratory utilized the services of only three (3) chemists. It is, therefore, illogical and impossible that G & W generated the quantities of waste as set forth on the Manifest.

The numbers of drums of waste in other time periods also supports the conclusion that the numbers of drums set forth on the Manifest is incorrect. For example, since October 18, 1984, a period of approximately seven (7) months, G & W has accumulated slightly more than one 55-gallon drum of hazardous waste materials. Between November, 1983, and October, 1984, G & W generated two 55-gallon drums of waste material which were disposed of on October 18, 1984. In November of 1983, G & W disposed of all of its wastes which had been accumulating from 1979, including laboratory wastes, reagents and raw materials which were no longer usable by G & W. At that time, G & W disposed of seventeen (17) 55-gallon drums and a further amount of 60 gallons stored in six (6) small pails for a total of the equivalent of approximately 18 55-gallon drums for a period of five (5) years. This total amount of wastes which were disposed of at that time included not merely laboratory wastes, but reagents and raw materials. These quantities set forth above support the contention of G & W that it disposes of, at most, approximately two 55-gallon drums of waste per year and not the amount set forth on the Manifest which is the only evidence on which the E.P.A. bases the Administrative Complaint against G & W in this matter. Accordingly, we would request that the E.P.A. agree that there were only two 55-gallon drums of category 10 wastes disposed of in 1978.

In addition to the foregoing, we again state to the E.P.A. that the waste materials contained in category 18 identified as "Pharmaceutical Wastes" are not hazardous materials. In the Affidavit of Mr. Greenblatt, annexed hereto as Exhibit "B", he has stated that the Pharmaceutical Wastes generated by G & W consist almost entirely of hydrogenated vegetable oil or glycerin and would not, accordingly, be hazardous. In further support of this position, I enclose two (2) documents which establish the content of the raw materials used by G & W in its manufacturing of suppositories.

First, annexed hereto as Exhibit "C", is a Material Safety Data Sheet of Procter & Gamble, which indicates the components of the raw materials which are sold to G & W. You will note from the Material Safety Data Sheet that the product is biodegradable and that there are no special protections necessary for the product. You also note that the product is derived from animal and vegetable oils.

RAVIN, SARASOHN, COOK, BAUMGARTEN & FISCH

Margaret Thompson, Esq.

July 26, 1985

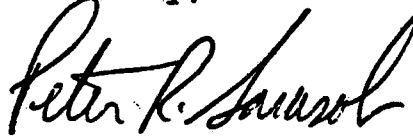
Page 3

Second, annexed hereto as Exhibit "D", is a technical data sheet from P.V.O. International, Inc. pertaining to "Wecobee M." which is a triglyceride derived from edible vegetable oils. It is, as you will note, recognized as a safe product by the United States Food and Drug Administration. This product is also used in the production of suppositories by G & W. The documents submitted herein clearly support the sworn statements of Mr. Greenblatt in his Affidavit that the pharmaceutical wastes generated by G & W consists, as stated above, of hydrogenated vegetable oil or glycerin and would not, accordingly, be hazardous.

Based upon the foregoing, we respectfully request that the quantity of alleged hazardous wastes attributed to category 18 be deleted. Further, we again respectfully request that the quantity of hazardous wastes attributed to category 10 be reduced from 10 containers to two (2) containers each containing 55 gallons for a total of 110 gallons.

Please review the foregoing and advise us of your comments. We will, of course, respond to any further questions you may raise concerning this matter. We hope that you will give this your immediate attention since we must determine an appropriate financial contribution to the other wastes generators who are respondents in the Duane Marine matter.

Sincerely,


Peter R. Sarasohn

PRS/vaj

Encs.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOLID WASTE ADMINISTRATION

SPECIAL WASTE MANIFEST

A 48137

15133

SECTION 1 TO BE COMPLETED BY THE SPECIAL WASTE GENERATOR

Plant Identification Number

Pick-Up Date 11/02/78
MO DAY YR.

Company Name G & W L&S

S Plainfield, N.J. = near N.J.

Pick-Up Address 111 College
Name of Hauler: Duane Macintosh

Address 26 Washington St. N.Y. N.Y.

Name of Facility: Duane Morris

Address: 26 W. 94th St. - 9th Fl. - N.Y.C. 19
 Toll Phone Nos.: 609-292-5560 or

Emergency Spill Phone Nos.: 609-292-5560 or
609-292-7172

Handling Instructions

D. COPY
NOT
AVAILABLE

Waste Type

Total Quantity

Identify units in pounds or gallons
use P for pounds and G for gallons

**SECTION V TO BE
COMPLETED BY
THE SPECIAL
WASTE FACILITY
OPERATOR**

Rejection	Amount
1	100
2	100
3	100
4	100
5	100
6	100
7	100
8	100
9	100
10	100
11	100
12	100
13	100
14	100
15	100
16	100
17	100
18	100
19	100
20	100
21	100
22	100
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98	100
99	100
100	100

1. Acid Solution
2. Alkaline Solution
3. Arsenic Residues
4. Catalyst Residues
5. Cyanide Residues
6. Chlorinated (Dioxin, Furan) Residues
7. Etching, Pickling, & Plating Residue
8. Explosive Residue
9. Filter Clays, Filter Aids
10. Ester, Alcohol, Ether, Ketone
11. Glycol Residues
12. Heavy Metal Residue
13. Organic and Heavy Metal Residue Mixture
14. Latex Residue
15. Peroxide
16. Oil and Oil Sludges, Emulsions
17. Paint and Pigment Residues
18. Pesticides
19. Pharmaceutical Wastes (Drugs, etc.)
20. Laccrations, Acides, Mercaptans, Amide
21. Elastomer Residues
22. Plasticizer, Resin, Monomer,
23. PCB/PBB Contaminated Materials
24. Solvent, Halogenated Organic
25. Solvents, Mixed
26. Still Bottoms
27. Radioactive Residue
28. Tetraethyl Lead Residue
29. Other (See Instructions)
- 30.
- 31.
- 32.
- 33.
- 34.
- 35.
- 36.
- 37.
- 38.
- 39.
- 40.

10 L F 250 G

24	L	F	1265	G
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I certify that the above information is correct to the best of my knowledge.
Signature and Title [Signature] Per.

I certify that the above information is true and correct.
Date 11/2/78 Signature and Title L. H. A. Pres. 1978

SECTION II TO BE COMPLETED BY THE SPECIAL WASTE HAULER

SECTION II TO BE COMPLETED BY THE SPECIAL WASTE TRUCK DRIVER

I certify that the described quantity of material (s) listed in Section I was collected by me.

Signature: [Signature] Vehicle License Plate Number: 12345678

Date 11/12/78 Signature John J. Jansen

ction I was collected by me. State Number
Vehicle License Plate Number WV XCP3CA

SECTION III TO BE COMPLETED BY THE SPECIAL WASTE HAULER

SECTION III TO BE COMPLETED BY THE SENDER

Name of Hauler Unova Marine Address 26 Washington St., R.R. N.Y.

Unova Marine (if listed in Section I) was hauled by me to the Special Waste Facility

Name of Hauler James Morris
I certify that the described quantity of material (s) listed in Section I was hauled by me to the Special Waste Facility
named in Section I
Date 11/2/78 Signature John Lawson Vehicle License Plate Number 0J X0P90

SECTION IV - TO BE COMPLETED BY THE SPECIAL WASTE FACILITY

Name of Facility DIANE MARINE CORP Address 26 WASHINGTON ST. FA, NY
Registration Number 2216A Date Waste Received 11/02/78 ☒ Accepted ☐ Rejected

Registration Number 7216A Date Waste Received 11/15/99
I certify that the hauler stated above delivered the waste described in Section 1 to this Facility

Date 11/2/78 Signature and Title Vincent J. Potestino

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II

-----x
ADMINISTRATIVE ORDER

In the Matter of:

Index No. II-CERCLA-50107

APEX COLOR WORKS, INC., et al :

Affidavit of Burton G. Greenblatt
in Support of Petition of G & W
Laboratories, Inc. for Removal as
Respondent

Respondents.

:

-----x

STATE OF NEW JERSEY)

:ss

COUNTY OF UNION)

BURTON G. GREENBLATT, of full age, being duly sworn, according to law, deposes and says:

1. I am presently and have since 1974, been President of G & W Laboratories, Inc. ("G & W"). I am submitting the within Affidavit in support of the Petition of G & W to be removed as a Respondent to Administrative Order Index No. II-CERCLA-50107 relating to Duane Marine Salvage Corp. in Perth Amboy, New Jersey ("Duane Marine").

2. I understand that the Complaint filed by the U.S. Environmental Protection Agency ("EPA") against G & W alleges, in pertinent part, that G & W shipped certain hazardous waste to Duane Marine on November 2, 1978, as more specifically reflected in a certain Special Waste Manifest No. A 47137. A copy of the Manifest, which was supplied to us by the EPA, is annexed hereto.

3. I have been employed by G & W commencing in 1946, and have been President since 1974. In the pertinent period of 1978, the date appearing on the Special Waste Manifest, I was totally familiar with all of the major operations of G & W including purchasing, compounding,

manufacturing, quality control, packaging and shipping operations. Indeed, I was involved in all of the aforementioned operations for at least ten (10) years prior to 1978. I am, in this connection, a licensed pharmacist.

4. Based upon my own personal knowledge, I can state that the only manufacturing wastes generated by G & W have been totally non-hazardous pharmaceutical wastes that were generated as the result of the manufacture of certain pharmaceutical products used within the human body.

5. The only hazardous wastes generated by G & W in 1978, and for at least ten (10) years prior to 1978, and continuing up to the present time, are solely those wastes generated by the Quality Control Laboratory. The number of containers of alleged hazardous wastes referred to on the Special Waste Manifest is totally inconsistent with the operations of G & W and can not be accurate. For example, in the last 12-month period, the Quality Control Laboratory generated less than two (2) drums containing 55 gallons per drum of waste from the output of five (5) chemists working for G & W at a time when its sales volume is approximately two times the sales volume in 1978, when the Quality Control Laboratory utilized the services of only three (3) chemists. It is therefore illogical and impossible that G & W generated quantities of wastes as set forth in the Special Waste Manifest.

6. It should be noted that G & W is a manufacturer primarily of glycerin suppositories and medicated suppositories. The only hazardous wastes, if any, are produced as a by-product of the operations of our quality control laboratory in which, as stated above, G & W generates approximately two 55-gallon drums of laboratory waste per year. For

example, since October 18, 1984, a period of approximately seven (7) months, G & W has accumulated slightly more than one 55-gallon drum of hazardous waste materials. Between November 1983, and October 1984, G & W generated two 55-gallon drums of waste material which were disposed of on October 18, 1984. Prior to November 1983, G & W stored its wastes in drums in a special isolated location on its premises during the period 1979, to 1983. In November of 1983, G & W disposed of all of its wastes which had been accumulating from 1979, including laboratory wastes, reagents and raw materials which were no longer usable by G & W. At this time of "house cleaning", G & W disposed of 17 55-gallon drums and a further amount of 60 gallons stored in six (6) small pails for a total of the equivalent of approximately 18 55-gallon drums for a period of five (5) years. This total amount of wastes that were disposed included not merely laboratory wastes but reagents and raw materials. The numbers set forth above support our contention that G & W, at most, disposes of approximately two 55-gallon drums of waste per year and not the amounts set forth on the Special Waste Manifest which is the evidence on which the EPA bases the Complaint filed against G & W in this matter.

7. —G & W does not generate hazardous waste material from its operation and has never done so during the time period commencing in 1946, when I first became employed by G & W. The pharmaceutical waste that is generated by G & W consists almost entirely of hydrogenated vegetable oil or glycerin and would not, accordingly, be hazardous.

8. In researching the files of G & W, we have been unable to locate a copy of the Special Waste Manifest which is annexed hereto and

which forms the basis of the allegations of the EPA. Because we manufacture pharmaceutical products, our recordkeeping must be precise and complete since we are subject to the possibility of inspection by various Governmental agencies at any time. The fact that our records do not contain a copy of the Special Waste Manifest indicates to me that there is a definite irregularity with respect to same and this irregularity creates a sincere doubt in my mind as to the credibility of the information contained on the Special Waste Manifest.

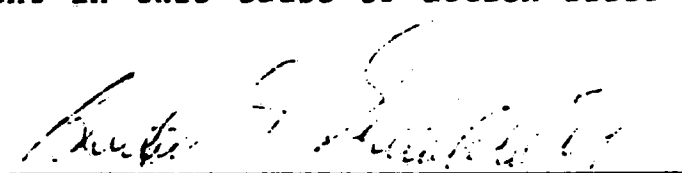
9. There are additional aspects to the Special Waste Manifest which create further doubt as to its reliability. Initially, it is clearly apparent from the Special Waste Manifest that there have been substantial and material alterations made to the document changing the number of containers and the total quantity contained therein. On Line 10, the number of containers has been crossed out and replaced with the "10". The gallons or pounds contained in the containers has also been altered to now indicate an amount of 550 gallons. On Line 18, the number of containers has been obviously changed to "24". There are no initials of any employee of G & W next to the alterations which are required and are the normal and usual method of doing business of G & W. If there are no initials of any employee next to alterations, G & W will not accept the change as being a change authorized by G & W.

10. There is a further circumstance which creates additional doubt as to the authenticity of the Special Waste Manifest. Specifically, the Manifest is dated November 2, 1978, which is approximately five (5) months after G & W first occupied the building it now occupies in South Plainfield, New Jersey. G & W, in May of 1978, moved into this

building. It is impossible for G & W to generate the wastes reflected on the Special Waste Manifest during a period of five (5) months between May 1978, and November 2, 1978. G & W did not pack up its waste from its prior location and move the waste to the new location in South Plainfield, New Jersey. Any waste that did exist at the time of the move in May of 1978, was disposed of prior to the move.

11. It is clear from the foregoing that the Special Waste Manifest has been altered and that it does not reflect the type and quantity of wastes generated by G & W. G & W's manufacturing operations do not, as stated above, generate hazardous wastes, and the wastes that it does generate do not at all approximate the quantities reflected on the Special Waste Manifest.

For all of the foregoing reasons, G & W respectfully requests that the EPA remove G & W as a Respondent in this cause of action filed in connection with Duane Marine.


BURTON G. GREENBLATT

Sworn to and subscribed before
me this 1st day of May, 1985.


NOTARY PUBLIC OF NEW JERSEY
My Commission Expires July 25, 1985



PROCTER & GAMBLE

**INDUSTRIAL CHEMICALS DIVISION
P.O. BOX 599, CINCINNATI, OHIO 45201**

MATERIAL SAFETY DATA SHEET

SECTION I

ISSUE DATE: 4/84

EMERGENCY TELEPHONE NUMBERS

PROCTER & GAMBLE OPERATOR (513) 562-1100 (24 Hour Emergency Service)

CHEMICAL FAMILY

Glycerol (Glycerine) derived from Animal and Vegetable Oils

CAS No. 56-81-5 (1,2,3-Propanetriol)

FORMULA

$$\text{CH}_2\text{OH} \quad \text{CH} \quad \text{OH} \quad \text{CH}_2\text{OH}$$

TRADE NAMES

TRADE NAMES
Superol Glycerine USP, Moon Glycerine USP, Star
Glycerine USP, High Gravity Glycerine

MOLECULAR WEIGHT

92

SECTION II PHYSICAL DATA

BOILING POINT (°F) @ 760mm Hg	Over 550°F	SPECIFIC GRAVITY (H ₂ O = 1) (22.5 / 22°C)	1.2 to 1.3
VAPOR PRESSURE (mm Hg.) @ 72°F	Less than 0.1mm	PERCENT VOLATILE BY VOLUME (%)	Not Known
VAPOR DENSITY (AIR = 1)	Not Known	EVAPORATION RATE (100 mgm. / 100 mm. / 100 sec. = 1)	Not Known
SOLUBILITY IN WATER @ 72°F	Complete		
APPEARANCE AND ODOR @ 72°F	Water white, clear liquid; bland odor; sweet taste		

SECTION III FLAMMABILITY AND EXPLOSIVITY DATA

FLASH POINT (METHOD USED): Over 390°F (PMCC)	FLAMMABLE LIMITS N/A	EXPLOSIVE LIMITS (LOWER) (UPPER)
EXTINGUISHING MEDIA Use Water, CO ₂ , Dry Chemical		N/A
SPECIAL FIRE FIGHTING PROCEDURES None		
UNUSUAL FIRE AND EXPLOSION HAZARDS Contact of Glycerine with strong oxidizing agents such as Chromium Trioxide, Potassium Chlorate, or Potassium Permanganate may cause an explosion.		

SECTION IV HEALTH AND SAFETY DATA

THRESHOLD LIMIT VALUE	Not established.
EFFECTS OF OVEREXPOSURE	No harmful effects expected.
EMERGENCY AND FIRST AID PROCEDURES	None Required.

Data supplied is for use only in connection with occupational safety and health.

SECTION V REACTIVITY DATA

STABILITY	UNSTABLE		CONDITIONS TO AVOID
	STABLE	X	
INCOMPATIBILITY (Materials to avoid) Avoid strong oxidizing agents.			
HAZARDOUS DECOMPOSITION PRODUCTS Does not decompose up to 400°F.			
HAZARDOUS POLYMERIZATION	MAY OCCUR		CONDITIONS TO AVOID
	WILL NOT OCCUR	X	

SECTION VI SPILL OR LEAK PROCEDURES

STEPS TO BE TAKEN IN CASE MATERIAL IS RELEASED OR SPILLED	Normal Industrial Cleaning Procedures - Water
WASTE DISPOSAL METHOD	Product is biodegradable. If permitted, flush down drain with excess of water or dispose at a landfill.

SECTION VII SPECIAL PROTECTION INFORMATION

RESPIRATORY PROTECTION (Specify type) None required.		
VENTILATION	LOCAL EXHAUST	SPECIAL
	MECHANICAL (General) Acceptable	OTHER
		EYE PROTECTION None Needed.
PROTECTIVE GLOVES None Required.		
OTHER PROTECTIVE EQUIPMENT None required.		

SECTION VIII SPECIAL PRECAUTIONS

PRECAUTIONS TO BE TAKEN IN HANDLING AND STORING
Should be stored in clean tight containers to prevent moisture pick-up from air.
Can be stored in aluminum, stainless steel, fiber glass or resin lined steel vessels.
OTHER PRECAUTIONS
Avoid contact with strong oxidizing agents.

IMPORTANT NOTE: The technical product information and suggestions for use, while believed to be accurate and reliable, are given without guarantee or warranty of any kind, expressed or implied. Purchaser assumes all risk of acting on this information, or any advice or assistance that may be provided by Procter & Gamble representatives. Individual requirements vary and each purchaser is urged to perform their own tests, experiments and investigations in their use of Procter & Gamble products and for purposes of determining compliance with applicable Federal, State and local laws and regulations. Nothing contained herein shall be construed as a recommendation to use any product in conflict with existing patents covering any material or its use. Moreover, no license is to be implied under any Procter & Gamble patents relating to uses of the above-described chemicals other than those uses specifically mentioned herein.

PVO International Inc.

416 Division Street
Boonton, New Jersey 07005
Telephone 201/334-2900

TECHNICAL DATA

WECOBEE M

F.F.A. % (as Oleic)	0.1 max.
Saponification Value	238 - 250
Iodine Value	3 max.
Moisture %	0.1 max.
Color	30.0/3.0
Form	Solid
Appearance	Free of Foreign matter
Odor	Bland
Melting Point (W)	96 - 98 °F

The Wecobees are a series of triglycerides derived from edible vegetable oils. They resemble cocoa butter in their properties and are considered GRAS (generally recognized as safe) by the FDA. The Wecobees exhibit most of the desirable features of cocoa butter but few of its shortcomings. The Wecobees are extremely stable, need no special storage conditions and are uniform in composition. In contrast to cocoa butter the Wecobees exhibit excellent mold release characteristics.

Characteristics

- Excellent Stability
- Low Irritation
- Bland Taste and Odor
- GRAS FDA Status
- Controlled Range of Melting Points
- Good Mold Release

Applications

- Cocoa Butter Replacement
- Lipsticks and Glossers
- Pomades
- Solid Fragrances
- Antiperspirant Sticks
- Suppositories
- Emollient Creams and Lotions

